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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,386	10/29/2003	Sean Slavin	WOND-005/01US (238062-201)	6356
7590	10/21/2004		EXAMINER	
Cooley Godward LLP ATTN: Patent Group Five Palo Alto Square 3000 El Camino Real Palo Alto, CA 94306-2155			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 10/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/696,386	SLAVIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Bharat N Barot	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Frese et al (U.S. Patent No. RE38598). Frese's patent meets all the limitations for claims 1-15 recited in the claimed invention.

3. As to claim 1, Frese et al teach a method for communicating with a control system via a remote computer (see abstract; and figure 1), the remote computer including an object container (figure 1; and column 7 line 6-13), the method comprising: requesting, via the remote computer, control system information; receiving, from the control system, the control system information at the object container (column 4 lines 24-35; and column 6 lines 54-57); and running a software application in the object container to view the received control system information (column 4 lines 35-39; and column 7 lines 24-31).

4. As to claim 2, Frese et al teach that generating control instructions with the software application; and sending the control instructions to the control system (column 4 lines 35-44; and column 7 lines 49-53).

5. As to claim 3, Frese et al teach that the control system is an industrial control system configured to control an industrial process, and the control instructions effect changes in the industrial process (figure 1; and column 6 line 47 to column 7 line 5).

6. As to claim 4, Frese et al teach that the received control system information includes information selected from the group consisting of alarm information and history information (column 8 lines 4-37).

7. As to claims 5-6, Frese et al teach that the requesting includes requesting a web page (HTML document), the web page being hosted by the control system; and the software application is a web browser configured to display the control system information via the web page (figure 1; column 6 lines 5-18; and column 7 lines 28-53).

8. As to claim 7, Frese et al disclose a system for managing an industrial process at an industrial facility (figure 1; and column 6 line 47 to column 7 line 5) comprising: an input/output (I/O) unit, the I/O unit is configured to communicate with a corresponding node in the industrial process and is capable of generating process data (column 7 lines 6-13); a remote computer system configured to execute a desktop bound software application adapted to request, receive and manipulate the process data (column 4 lines 24-35; column 7 lines 6-35); a control system computer coupled between said plurality of I/O units and said remote computer system, said control system computer executing a local software application (figure 1; and column 6 line 47 to column 7 line 5) comprising: a data handler; an Internet server application program interface configured to receive a request from the remote computer system for the process data and send the request to the data handler, the data handler being configured to retrieve the process data from the I/O unit in response to the request; and the software application is configured to send the process data to the remote computer system (figure 1; column 4 lines 35-44; and column 7 line 36 to column 8 line 58).

9. As to claim 8, Frese et al disclose that the data handler is selected from the group consisting of alarm handler and a history handler (column 8 lines 4-37).

10. As to claim 9, Frese et al disclose that the local software application includes a web (HTTP) server configured to send the process data with a web page (HTML document) (figure 1; column 6 lines 5-18; and column 7 lines 28-53).

11. As to claims 10-15, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 10-15 are merely a program product for the method of operation defined in the method claims 1-6.

**Claim Rejections - 35 USC § 102**

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 16-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrmann (U.S. Patent No. 5,995,756). Herrmann's patent meets all the limitations for claims 16-25 recited in the claimed invention.

14. As to claim 16, Herrmann teaches a method for obtaining industrial system data via an object container on a remote computer, the industrial system being controlled by a control program executed by a local control system, the method comprising: modifying the object container so that the object container includes a control object; requesting, via the remote computer, the industrial system data from the local control system; receiving the industrial system data at the remote computer; and displaying the industrial system data with the object container (see abstract; figure 5; column 10 line 27 to column 11 line 54; column 12 lines 1-17; and column 18 lines 8-25).

15. As to claims 17-18, Herrmann disclose that the object container is a web browser and the control object is an ActiveX object (see abstract; and column 3 lines 22-30).

16. As to claim 19, Herrmann teaches a method for executing, from a remote client, an industrial process control application configured for operation at an industrial facility (see abstract; figure 5; and column 10 lines 27-54), the method comprising: creating a local server by modifying the industrial process control application; providing an ActiveX object to host the local server; and executing the local server (column 8 line 55 to column 9 line 11; and column 10 line 55 to column 11 line 25).

17. As to claim 20, Herrmann discloses that the industrial process control application is a window viewer (column 4 lines 40-54; column 5 lines 8-25; column 6 lines 21-29; and column 8 lines 10-24).

18. As to claims 21-22, Herrmann discloses that the industrial process control application executes at a local site and sends data to and receives data from a remote site; and the data is sent to and received from the local site via an Internet (figure 5; and column 10 lines 27-54).

19. As to claim 23, Herrmann discloses a system for monitoring an industrial facility (figures 1s-2; and column 4 line 56 to column 5 line 56) comprising: a first computer at the industrial facility, the first computer including a deskbound application configured to monitor the industrial facility; a second computer remote from the first computer, the second computer including an object container for executing an instance of the deskbound application; and a communication system coupled between the first computer and the second computer for transmitting and receiving process data between the first computer and the second computer (figure 5; and column 10 lines 27-54).

20. As to claims 24-25, Herrmann discloses that the object container contains an ActiveX component which exchanges information from the second computer and couples the information to the communication system for communication to the first computer (column 10 line 55 to column 11 line 25); and the object container is a web browser, and the ActiveX component displays a display output of the deskbound application in the web browser (see abstract; column 3 lines 22-30; and column 3 line 60 to column 4 line 16).

#### Additional References

21. The examiner as of general interest cites the following references.

- a. Freiberger et al, U.S. Patent No. 6,750,880.
- b. Barry et al, U.S. Patent No. 6,615,258.
- c. Wood et al, U.S. Patent No. 6,453,127.

**Contact Information**

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

October 06, 2004

*Bharat Barot*

**BHARAT BAROT  
PRIMARY EXAMINER**